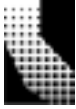


September 2003

infoCycling



A newsletter providing assistance in waste reduction
to local governments, State agencies, and large State facilities.
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Board**.

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SPECIAL EDITION

Gardena Fails Waste Diversion Goal, Fined \$70,000: City penalized for not meeting 50 percent State mandate

*The California
Integrated
Waste
Management
Board issued
the following
news release.*

SACRAMENTO—The **California Integrated Waste Management Board** voted 5–1 September 16, 2003, to impose a \$70,000 fine on the City of Gardena in Los Angeles County for failure to comply with the Integrated Waste Management Act of 1989, which requires cities, counties, and regional agencies to divert from landfills 50 percent of their municipal solid waste annually beginning in 2000.

This is the first time the Board has levied fines for not meeting waste diversion mandates. In 1998, the Board issued smaller fines to four jurisdictions for failure to submit required plans. Gardena's waste diversion rate for the year 2000 was 13 percent.

"Over a three-year period, we have afforded the City of Gardena every opportunity to receive assistance from the State and to work cooperatively with us to reach the goal of this environmental mandate," said Board Chair Linda Moulton-Patterson, announcing the decision. "It is unfortunate that we have come to this point, but in fairness, many other California jurisdictions have worked diligently and shown good faith efforts to comply with the law. Now is the time for Gardena to step up and join the rest of the state in diverting materials from the waste stream to protect the environment and create a future where zero waste is more than just an idea—it's a reality."

More than half of California's cities, counties, and regional waste management authorities have met or exceeded the 50 percent diversion requirement of the law and many others are working under time extensions or alternative goals approved by the Board. Gardena had exhausted its

Zero Waste—You Make It Happen!



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extensions and the provisions of its most recent compliance order, leaving the Board little choice but to impose penalties for noncompliance with the law.

Testifying at a hearing held in Sacramento, city representatives told the Board that they are in the process of revamping Gardena's waste disposal programs and are entering into an agreement with a new provider for improved diversion and waste management services. The Board set January 1, 2004, as the deadline for Gardena to implement its new programs with the waste management company and, should new programs not be in place and fully functioning as of that date, established additional fines of \$1,460 per day for the first 60 days and \$2,190 per day in fines for every day thereafter that the city may fail to demonstrate compliance with the diversion law.

The Board is charged with determining whether or not jurisdictions are adequately implementing source reduction, recycling, composting, and public education and information programs to achieve the required 50 percent diversion rate.

Gardena was originally placed on a compliance order by the Board in late 1999 in order to correct its diversion program deficiencies and to prepare new waste monitoring data to better judge the scope, size, and components of its waste stream (referred to as preparing a new base-year study). Better waste stream data helps a jurisdiction determine where to focus waste management, reduction, and diversion efforts. For example, a new base-year study can indicate the need to direct new programs toward the collection and processing of green waste if a community generates a significant amount of such materials, or to develop more and better commercial pickup programs, household hazardous waste collection days, amnesty day events for old tires, etc.

The city was granted three time extensions to meet the provisions of the Board's first compliance order and did, in fact, satisfy that order. However, Gardena was later placed on a new compliance order—one of eight issued by the Board—requiring the submission of an action plan to spell out how the jurisdiction's low-performing diversion programs would be improved and lead to 50 percent waste diversion.

The city had until June 30, 2003, to provide the Board with a detailed plan for putting better diversion programs in place and establishing a timeframe within which the improved diversion efforts would become fully operational. The requirements of the new plan were not ultimately met, setting in motion the process for a special hearing before the Board and the assessment of potential penalties as well as the establishment of more stringent deadlines for compliance.

California's mandated 50 percent diversion goal has significantly reduced the amount of materials disposed in its landfills for more than a decade. Jurisdictions have diverted more than 250 million tons of materials from disposal since 1990. Over the past decade, California cities have employed a variety of residential and commercial waste management services to

successfully divert materials from area landfills, joining communities from around the state in meeting the 50 percent diversion mandate.

The Integrated Waste Management Board has determined that 64 percent of all reporting jurisdictions—287 out of 445—met the requirements of the diversion law in 2000, either by reaching or exceeding the 50 percent diversion rate or by making a good faith effort to reach the goal. To find out how all California jurisdictions are doing in meeting the 50 percent diversion goal, visit www.ciwmb.ca.gov/LGTools/mars/jurdrsta.asp.

Public Resources Code section 41780, enacted by AB 939 (Sher)—the Integrated Waste Management Act (Chapter 1095, Statutes of 1989)—requires every city and county in the state to divert from landfill at least 50 percent of the waste generated within their jurisdiction in 2000. The Legislature amended this statute in 2000, requiring jurisdictions to sustain their waste diversion efforts into the future.

To achieve their successful diversion rates, jurisdictions have tailored new waste handling infrastructures from options that include curbside recycling, material recovery facilities, and composting operations, all supported by comprehensive waste prevention and public education efforts. Information about individual city and county programs is available on the Waste Board's local government Web site at www.ciwmb.ca.gov/LGTools/PARIS/jurpgmsu.asp.

Jurisdictions that did not meet the 50 percent diversion requirement in 2000 had an option to petition the Board for one or more time extensions and interim alternative diversion requirements for a maximum of five years. No single extension can be for more than three years, and no extension may be effective beyond January 1, 2006. The Board approved petitions from 150 jurisdictions.

Alternatively, the Board can determine that a jurisdiction's "good faith efforts" to implement comprehensive diversion programs have satisfied the requirement even if diversion levels are below 50 percent. A jurisdiction that does not meet the 50 percent diversion requirement and does not receive a time extension, a "good faith effort" finding, or an alternative diversion requirement will be placed on a compliance order and could be subject to fines. The Board can issue fines of up to \$10,000 a day for noncompliance.

The six-member California Integrated Waste Management Board is responsible for protecting public health and safety and the environment through management of the estimated 72 million tons of solid waste generated in California each year. The Board works in partnership with local government, industry, and the public to reduce solid waste disposal and ensure environmentally safe landfills. California now diverts 48 percent of its solid waste away from disposal.

The California Integrated Waste Management Board is one of six boards, departments, and offices within the California Environmental Protection Agency (Cal/EPA).